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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,382	04/30/2001	Masakazu Hayashi	450100-03199	2746

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EXAMINER

NGUYEN, FRANCIS N

ART UNIT PAPER NUMBER

2674

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/845,382

Applicant(s)

HAYASHI ET AL.

Examiner

FRANCIS NGUYEN

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-7,10,15-16,19,24-25,28,33-34 is/are rejected.
- 7) ☒ Claim(s) 2-5,8-9,11-14,17-18,20-23,26-27,29-32 and 35-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 10, 19, 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Enokida et al. ( US Patent 6,335,746 ).

As to claims 1, 10 and 28, Enokida et al. discloses a displaying apparatus for displaying image information ( **information processing method and apparatus, column 1, lines 6-7**) corresponding to a desired data file ( in accordance with tree structure, column 3, lines 35-36 ), in a specific display area ( **displayed window with thumbnails in windows 1-3 shown in figure 5** ), comprising:

means for dividing ( **image data management program 1203b, column 6, lines 41-43**) said specific display area into a first number of areas ( **retrieved images in windows 1, 2, 3 shown in figure 5**); and

means for displaying ( **display 122 of personal computer, column 5, lines 59-60** ) each of said divided areas ( divided areas occupied by displayed thumbnails shown in windows 1, 2, 3 of figure 5) in a mode ( **mode is structure of directory comprising desired data file**)

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corresponding to contents of said desired data file ( windows from 2-1 to 2-6 indicate image displays that correspond to the file names belonging to directory DIR-A, column 6, lines 47-49, figure 5 shows window 3 displaying selected file being modified from thumbnail 3-3) .

As to claim 19, see the same citations for claim 1 and 10. Note that Enokida et al. teaches a medium for storing a program for displaying information ( column 12, lines 36-43).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7, 15-16, 24-25, 33-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Enokida et al. in view of Takemoto ( US Patent 6,335,742).

As to claims 6, 15, 24 and 33, Enokida et al. fails to expressly teach a desired data file is an audio file. Takemoto teaches a display processing apparatus using a desired data file as an audio file ( column 9, lines 64-65, operator enters a sound file name, column 12, lines 60-61). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the apparatus/method of Enokida et al. then modify the aforementioned image data management program 1203b to include data file as audio file as taught by Takemoto, since both teach thumbnail display based on a selected data file, to obtain the apparatus/method Enokida et al. modified by Takemoto , because it would allow a user to

**recognize the contents of a desired image file and attributes associated with the file, as taught by Takemoto, column 8, lines 65-67.**

**Note that Enokida et al. teaches a medium for storing a program for displaying information ( column 12, lines 36-43) and Takemoto teaches audio file as mentioned above.**

As to claims 7,16, 25 and 34, Enokida et al. fails to expressly teach a desired data file is a text file. Takemoto teaches a display processing apparatus using a desired data file as a document file ( column 9, lines 64-65, memo setting, column 8, lines ). **It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the apparatus/method of Enokida et al. then modify the aforementioned image data management program 1203b to include data file as document file as taught by Takemoto, since both teach thumbnail display based on a selected data file, to obtain the apparatus/method Enokida et al. modified by Takemoto , because it would allow a user to recognize the contents of a desired image file and attributes associated with the file, as taught by Takemoto, column 8, lines 65-67.**

**Note that Enokida et al. teaches a medium for storing a program for displaying information ( column 12, lines 36-43) and Takemoto teaches document file as mentioned above.**

#### ***Allowable Subject Matter***

4. Claims 2-5, 8-9, 11-14, 17-18, 20-23, 26-27, 29-32, 35-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

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As to claims 2-3, 8, 11-12, 17, 20-21, 26, 29-30, 35 none of prior art teaches a displaying apparatus/method/medium for storing program for displaying image information corresponding to a desired data file in a specific display area, comprising means for dividing said specific area into a first number of areas, means for displaying each of divided areas in a mode corresponding to contents of a desired data file, wherein said mode is determined by changing lightness or saturation of one or a plurality of pixels on the basis of the contents of said desired data file.

As to claims 4-5, 13-14, 22-23, 31-32, none of prior art teaches a displaying apparatus/method/medium for storing program for displaying image information corresponding to a desired data file in a specific display area, comprising means for dividing said specific area into a first number of areas wherein said first number is a number changed depending on the size of said data file.

As to claims 9, 18, 27 and 36, none of prior art teaches a displaying apparatus/method/medium for storing program for displaying image information corresponding to a desired data file in a specific display area, comprising means for dividing said specific area into a first number of areas, means for displaying each of said divided areas in a mode corresponding to contents of said desired data file, wherein said desired data file is a text file and wherein all or part of the contents of said text file is displayed in the form of text in such a manner as to be overlapped to said image information.

### CONCLUSION

5. The prior art made of record is not relied upon but pertinent to Applicant's disclosure.

US Patent                      Hasegawa et al.                      6,333,752

US Patent	Hodgins et al.	5,936,638
US Patent	Chen et al.	6,249,281
US Patent	Morris et al.	6,097,389

Reference Hasegawa et al. is made of record as it discloses an image processing apparatus displaying thumbnails.

Reference Hodgins et al. is made of record as it discloses a system for determining motion control of articulated linkages.

Reference Chen et al. is made of record as it discloses an on-demand presentation graphical user interface.

Reference Morris et al. is made of record as it discloses a method and apparatus for presenting a collection of digital media in a media container.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FRANCIS N NGUYEN** whose telephone number is **703 308-8858**. The examiner can normally be reached during hours 8:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached at 703 305-4579.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

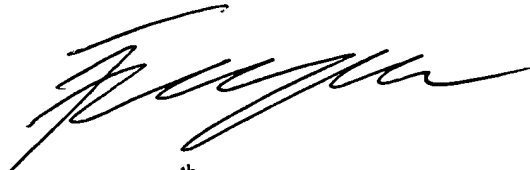
**or faxed to:**

**(703) 872-9314 ( for Technology Center 2600 only)**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor ( Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service whose telephone number is (703) 306-0377.



December 13<sup>th</sup>, 2002

FRANCIS N NGUYEN  
Examiner  
Art Unit 2674